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JFW

Attorney Docket Number: 21465-508 UTIL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 10/767,899 Confirmation No. 6163
Applicants : Jan BERKA, *et al.*
Filed : January 28, 2004
TC/A.U. : 1637
Examiner : David C. THOMAS
Docket No. : 21465-508 UTIL
Customer No. : 35437
For : **BEAD EMULSION NUCLEIC ACID AMPLIFICATION**



MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449 in the above-identified application, copies of which are submitted herewith.

Applicants hereby certify, as specified in 37 C.F.R. §1.97(e) that an item of information contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Supplemental Information Disclosure Statement and is being filed after mailing of a First Action on the merits but before mailing of any Final Action or Notice of Allowance under 37 C.F.R. §§1.113 or 1.311, respectively. Accordingly, the fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims. It is also respectfully requested that the Examiner initial, sign and date, and return a copy of the signed modified Form PTO-1449 with the next U.S. PTO communication, to evidence that the cited information has been fully considered by the U.S. Patent and Trademark

Applicants: Jan Berka, *et al.*
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Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

The order of presentation of the references should not be construed as an indication of the importance of the references. The Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 21465-508 UTIL, Customer No. 35437.

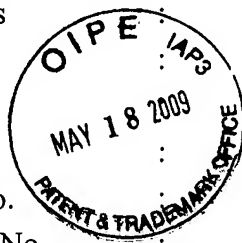
Respectfully submitted,

Date: May 18, 2009

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TRANSMITTAL LETTER

Transmitted herewith for filing in the present non-provisional patent application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages);
2. Modified Form 1449/PTO (1 page);
3. Cited References B34; C62;
4. Check No. 4896 for \$180.00 for IDS fee; and
5. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (212) 935-3000.

The Commissioner is authorized to charge any fees that may be due to the undersigned's account, Deposit Account No. No. **50-0311**, Reference No. **21465-508 UTIL**, Customer No. **35437**.

Respectfully submitted,

Date: May 18, 2009

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